



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JLP:ddj
Docket No: 2662-00
20 June 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 5420 SER N133C/00261 of 19 May 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO
5420

Ser N133C/000281
MAY 19 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00XCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF [REDACTED] C.

Encl: (1) Docket Number 02662-00
(2) SECNAVINST 7220.8B CH-1 of 14 July 1988

1. Background. [REDACTED] was accepted for lateral transfer from the 1120 (Submarine Officer) community to the 1440 (Engineering Duty) community effective 1 August 1988. His Submarine Duty Incentive Pay (CONSUBPAY) was stopped effective 31 August 88.

2. Summary.

a. [REDACTED] believes his CONSUBPAY may have been stopped prematurely. He addressed this concern with his detailers in 1988, and let the matter drop. He later encountered an officer who told him he should have received the CONSUBPAY for at least one year from acceptance into the Engineering Duty community or upon transfer from the duty station assigned when notified of acceptance into the new community. CDR Stubits' basis for this belief was his interpretation of NAVADMIN 187/96, Notice of Convening of the October 1996 Lateral Transfer Redesignation Board, which states: "If selected for lateral transfer, officers will be redesignated or reassigned at their PRDs or one year after the officer accepts redesignation, whichever comes first." This message is Enclosure (9) to CDR [REDACTED] package. Although not directly stated in his request, he implies change of designator is the only criteria for loss of CONSUBPAY.

b. SECNAVINST 7220.8B CH-1 of 14 July 1988, SUBMARINE DUTY INCENTIVE PAY (SUBPAY) PROGRAM, was the governing instruction in effect at the time. Paragraph 4.d. of this instruction, included as Enclosure (2), details conditions under which CONSUBPAY entitlement is lost. Subparagraph (8) states that assignment to duty outside the submarine service with the expectation that an individual will remain permanently outside the submarine service will result in a loss of entitlement to CONSUBPAY. CDR Stubits was assigned to duties outside the submarine service (Naval Post Graduate School) when he applied for lateral transfer. His

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF [REDACTED]

acceptance by the Engineering Duty community demonstrated that he would remain permanently outside the submarine service. This action was independent of his actual change of designator. Based on his acceptance into the Engineering Duty community on 1 August 1998, his CONSUBPAY should have been stopped then.

c. The Department of the Navy's policy is to use SUBPAY prescribed in Title 37 U.S.C. Sec. 301c to attract and retain personnel in the submarine service on a career basis. The actions outlined in paragraph (2.b.) above are consistent with this policy.

3. Recommendation. Recommend that enclosure (1) be closed with a response to indicate that CDR Stubits' CONSUBPAY was properly stopped citing the reasons listed in paragraph 2.b above.

[REDACTED]
Nuclear Officer
Program Manager

DEPARTMENT OF THE NAVY
Office of the Secretary
Washington, DC 20350-1000

CH-1 of 14 July 1988
SECNAVINST 7220.80B
OP-131
5 November 1987

SECNAVINST 7220.80B

(14) Submarine Command Staffs

From: Secretary of the Navy
To: All Ships and Stations (less Marine Corps field addressees not having Navy personnel attached)

Subj: SUBMARINE DUTY INCENTIVE PAY (SUBPAY) PROGRAM

Ref: (a) 37 U.S.C. Sec. 301c (R)
(b) SECNAVINST 1160.1A

- Encl:
- (1) Submarine Pay Rates
 - (2) List of Courses of Instruction Creditable Toward Accumulation of Total Operational Submarine Service
 - (3) Administrative Procedures for SUBPAY
 - (4) Submarine Underway Ride Time Documentation
 - (5) Example Submarine Command Staff Ride Time Accounting
 - (6) Example - Individual Submarine Underway Ride Time Record for Submarine Command Staffs and Quarterly Verification
 - (7) Individual Submarine Underway Ride Time Record for Submarine Command Staffs and Quarterly Verification
 - (8) Example - Record of Submarine Duty for Special Test and Evaluation Details
 - (9) Record of Submarine Duty for Special Test and Evaluation Details
 - (10) Submarine Service Entry Date Worksheet
 - (11) Submarine Service Entry Date Adjustment Worksheet
 - (12) Example - Total Operational Submarine Service Worksheet
 - (13) Total Operational Submarine Service Worksheet

1. Purpose. To revise policy and procedures for the administration of the Submarine Duty Incentive Pay (SUBPAY) Program under the provisions of reference (a). This instruction is a complete revision and should be read in its entirety.

2. Cancellation. SECNAV INST 7220.80A

3. Policy. The Department of the Navy's policy is to use SUBPAY prescribed in reference (a) to attract and retain personnel in the submarine service on a career basis. All personnel meeting the eligibility requirements of paragraphs 4 or 5 are eligible for SUBPAY, either Continuous (CONSUBPAY) or Operational (OPSUBPAY). Submarine designated personnel are encouraged to maintain eligibility for CONSUBPAY.

4. Continuous Submarine Duty Incentive (CONSUBPAY). CONSUBPAY is designed to be paid to active duty naval service officers and enlisted personnel who engage in and remain in the submarine service on a career basis. Most submarine personnel are eligible for CONSUBPAY. Individuals receiving CONSUBPAY may not receive OPSUBPAY at the same time. Staff Corps officers are not authorized to receive CONSUBPAY. For the purposes of this instruction, "submarine" includes commissioned submarines, new construction submarines, submarines undergoing overhaul, conversion or decommissioning, off crews of two-crew submarines, auxiliary research submarines, deep submergence rescue vehicles, manned submersible research vehicles, and operational submarine detachments assigned to submarines or manned deep submergence vehicles. (R)

a. Active duty officers are eligible for CONSUBPAY if they satisfy the following conditions:

(1) Assigned a submarine-related duty designator:

(a) 1120, 1125, 1170, 1175, 1220, or 1225.

(b) 62XX, 72XX, 64OX, 74OX, 641X, 741X, and designated qualified in submarines as an enlisted member.

(c) All previous CONSUBPAY-eligible Limited Duty Officers/Chief Warrant Officers (LDO/CWO) 64XX, 65XX, 74XX, 75XX, qualified in submarines as enlisted members and who were selected in the Fiscal Year 1988 selection board and earlier, will continue to be entitled to receive CONSUBPAY. All LDO/CWO 64XX, 65XX, 74XX, and 75XX selected in the Fiscal Year 1989 selection board and later are required to meet the paragraph 4a(1)(b) criteria to be eligible for CONSUBPAY.

(2) Must have a valid Submarine Service Entry Date (SSED) and be beyond it. SSED's are defined as follows:

(a) For Unrestricted Line (URL) officers, the SSED is defined as the date the officer first reports under orders to the first facility in which the officer will receive instruction to prepare for assignment to a submarine or the date the officer is assigned the 117X designator, whichever is later. For URL officers who started or completed training as a designated submarine officer prior to 1 January 1981, the SSED is the date the officer reported under orders to the first facility in which the officer received instruction to prepare for assignment to a submarine.

(b) For an LDO/CWO with prior enlisted submarine service, the SSED is determined in the same manner as for enlisted personnel (see enclosure (10)).

(c) An LDO/CWO without prior enlisted submarine service will not be assigned an SSED and is not eligible for CONSUBPAY.

(3) Must have obtained the prescribed amount of Total Operational Submarine Service (TOSS) at the completion of the 12th and 18th year of submarine service. "Submarine service" is defined as the total active service subsequent to the individual's SSED. For URL officers with

prior enlisted submarine service, this is the SSED established after commissioning. There is no TOSS requirement for personnel who have not served 12 years from their SSED.

(4) Physically qualified (see paragraph 6).

b. Active duty enlisted personnel are eligible for CONSUBPAY if they satisfy the following conditions:

(1) Designated for submarine duty and assigned designator "1" (SS) or designator "2" (SU).

(2) While not serving on a submarine, have obligated for 14 months beyond their assigned Projected Rotation Date (PRD). Individuals desiring not to obligate for CONSUBPAY will be counseled. An entry in the member's service record will be made indicating the member's intention not to obligate for CONSUBPAY. This entry will be signed by the member.

(3) Have earned required amounts of TOSS at the completion of the 12th and/or 18th year of submarine service. "Submarine service" is defined as the total active service subsequent to the individual's SSED. There is no TOSS requirement for personnel who have not served 12 years from their SSED; however, compliance with the obligated service requirements of paragraph 4b(5) is mandatory.

(4) Be assigned an SSED. For nuclear trained enlisted personnel, the SSED is defined as the date of graduation from a nuclear power training unit. For other than nuclear trained enlisted personnel, the SSED is the actual class convening date of Basic Enlisted Submarine School (BESS), New London, Connecticut. For enlisted personnel whose BESS class convened prior to 1 January 1981, the SSED was assigned on the day they graduated from BESS. For enlisted personnel who laterally transfer to the submarine force without attending BESS, the SSED is assigned the date they report to their first submarine or are designated "SU", whichever is earlier (see enclosure (10)).

(5) Upon transfer from a submarine to a nonsubmarine activity, an enlisted member's CONSUBPAY will stop if at least a PRD plus 14 month obligation is not incurred. If otherwise eligible, CONSUBPAY will be restarted any time during the nonsubmarine activity tour when the PRD plus 14 month obligation is incurred. CONSUBPAY eligibility will restart effective the date the member reenlists or extends sufficiently for CONSUBPAY. The member's CONSUBPAY will commence upon the posting of the reenlistment/extension document to the Enlisted Master Record maintained by Naval Military Personnel Command (NMPC). Payment of CONSUBPAY will be retroactive to the execution date (date actually signed by member and accepted) of the reenlistment/extension document. If the document fails to post to the Enlisted Distribution and Verification Report (EDVR) after 60 days from transmittal, mail a certified copy of this document to OP-131C. This certified document should include an AUTOVON or commercial phone number and point of contact. Reference (b) provides that any obligated service incurred by an agreement to extend enlistment for the purpose of meeting the obligated service requirements for CONSUBPAY and for which no bonus is otherwise payable may be used as part of a subsequent term of reenlistment or voluntary extension for the purpose of determining bonus eligibility and in computing the amount of such a bonus. Only inoperative agreements to extend enlistment for CONSUBPAY eligibility purposes may be included in subsequent bonus eligibility determinations and calculations.

(6) Physically qualified (see paragraph 6).

c. Submarine Career Screening Gates. To comply with reference (a), submarine career screening gates have been established at the 12th and 18th year of submarine service. These gates are measured from the officer or enlisted member's SSED. As each gate is reached, an individual's service record is reviewed against the criteria below to determine if his career has been sufficiently submarine-intensive to merit further payment of CONSUBPAY. There is no TOSS requirement for personnel who have not served 12 years from their SSED. Compliance with the

obligated service requirements of paragraph 4b(5) is mandatory for enlisted personnel.

(1) Total Operational Submarine Service (TOSS). TOSS is the total amount of time, measured in months, that an individual has been in training (immediately prior to assignment to a submarine), or assigned to a submarine since his SSED. TOSS will be computed as follows:

(a) Fifteen Day Rule: Reporting to a submarine prior to or on the 15th day of any month or detaching from a submarine after the 15th day of any month entitles an individual to credit for the entire month. For personnel on Temporary Additional Duty (TAD) orders to a submarine and not assigned to a submarine command staff, TOSS will accumulate on a day-for-day basis.

(b) Courses of instruction listed in enclosure (2) are, or have been, required for assignment to a nuclear submarine, a submarine of advanced design, or to a position of increased responsibility on board a submarine. Submarine designated officers and enlisted personnel with orders for duty under instruction to the courses listed in enclosure (2), the prerequisite courses, or such courses as are individually approved by the Deputy Chief of Naval Operations (Manpower, Personnel and Training), will accumulate TOSS while undergoing such training subsequent to their SSED. If the next permanent duty assignment made to a member following successful completion of training, is not to a submarine, this period of training will not be credited toward TOSS.

(c) TOSS will accrue from the date a class convenes through class graduation except for consecutive courses of instruction. A consecutive course is one which convenes 14 days or less after successful completion of the preceding course. TOSS will be continuous for consecutive courses. Use the 15 day rule to calculate TOSS while an individual is in a course(s). Use of the 15 day rule assumes that the individual is in a course or between consecutive courses on the 1st day of the month to accumulate TOSS in the detaching month.

And, in the case of reporting to a school, the individual must be in the course or between courses on the last day of the month to accumulate TOSS in the reporting month. If the total days of instruction in a calendar month equals or exceeds 15 days and that month has not been previously counted for TOSS, then one month of TOSS will be credited.

(d) Requests for additions or deletions to the list of courses of instruction (enclosure (2)) should be submitted to the Chief of Naval Operations (OP-131) via the appropriate chain of command.

R) (e) TOSS accumulates for submarine qualified individuals while serving on a submarine command staff (enclosure (14)) provided that ride time requirements are satisfied, as discussed in paragraph 5a. If ride time requirements are not met by an individual at a submarine command staff, then TOSS will not be credited on a day-for-day basis. TOSS will be credited for a grace period only if the requirements of paragraph 5b are met. TOSS accumulation for submarine designated individuals attached to special test and evaluation details who are required to embark on a submarine in the performance of their duties will receive TOSS credit on a day-for-day basis for the number of days attached to a submarine. Personnel eligible to receive CONSUBPAY who are serving on a submarine command staff continue to receive CONSUBPAY even if the ride time requirements of paragraph 5a are not met; however, to accrue TOSS, the ride time requirements of paragraph 5a must be met. Personnel who have lost their eligibility for CONSUBPAY will receive OPSUBPAY and accrue TOSS provided the individual is qualified in submarines, on a submarine command staff, and meets the ride time requirements of paragraph 5a. TOSS accrued under the provisions of this paragraph must be documented using enclosures (4) and (7) or enclosure (9) with copies of orders and endorsements. Enclosure (4) information will be used to prepare enclosure (7). TAD orders and endorsements will be used to prepare enclosure (9). Commanders of submarine command staffs and special test and evaluation details will submit to OP-131C a completed, up-to-date and certified, enclosure (13) for each

qualifying individual upon transfer or as necessary to document their submarine career screening gates. Enclosure (13) will be prepared using the information recorded on the individual's enclosure (7) or (9). This information will be used to update the individual's TOSS record. Failure to submit this information may result in the termination of the individual's CONSUBPAY based on insufficient TOSS credit when a submarine career screening gate is reached. Enclosures (4), (7), (9), and (13) should be reproduced locally and used to administer the SUBPAY program. The enclosure (7) and (9) quarterly verification will be completed and signed as soon as possible after the end of each quarter. The verification will be certified by the signature of a commissioned officer who is the command's designated single point of contact for SUBPAY matters. For periods prior to 1 January 1981, the entire period of duty while permanently attached to a submarine command staff will be credited toward the accumulation of TOSS provided the member was qualified in submarines. For reporting and detaching months, commands must ensure that no more than one month of TOSS is credited for any one calendar month.

R) (2) Twelve Year Submarine Career Screening Gate (12 YRGT). A member must have earned at least six years (72 months) of TOSS upon completion of 12 years of submarine service. The Six Year TOSS Date (6 YRTD) is the date (year and month) 72 months of TOSS has been earned. If, at the member's 12 YRGT, the 6 YRTD has not been earned, then his CONSUBPAY will be terminated. If the 6 YRTD has been earned prior to the 12 YRGT, the 12 YRGT is satisfied and the member is eligible for CONSUBPAY up to the completion of 26 years of military service (based on Pay Entry Base Date (PEBD) for enlisted and Active Commissioned Base Date (ACBD) for officers) or until the next submarine career screening gate at 18 years of submarine service, whichever is earlier. CONSUBPAY eligibility terminates at PEBD plus 26 years for enlisted and ACBD plus 26 years for officers.

(3) Eighteen Year Submarine Career Screening Gate (18 YRGT). A member must have earned at least ten years (120 months) of

SECNAVINST 7220.80B

(14) Submarine Command Staffs

From: Secretary of the Navy
To: All Ships and Stations (less Marine Corps field addressees not having Navy personnel attached)

Subj: SUBMARINE DUTY INCENTIVE PAY (SUBPAY) PROGRAM

Ref: (a) 37 U.S.C. Sec. 301c (R)
(b) SECNAVINST 1160.1A

- Encl:
- (1) Submarine Pay Rates
 - (2) List of Courses of Instruction Creditable Toward Accumulation of Total Operational Submarine Service
 - (3) Administrative Procedures for SUBPAY
 - (4) Submarine Underway Ride Time Documentation
 - (5) Example Submarine Command Staff Ride Time Accounting
 - (6) Example - Individual Submarine Underway Ride Time Record for Submarine Command Staffs and Quarterly Verification
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1. Purpose. To revise policy and procedures for the administration of the Submarine Duty Incentive Pay (SUBPAY) Program under the provisions of reference (a). This instruction is a complete revision and should be read in its entirety.

2. Cancellation. SECNAV INST 7220.80A

3. Policy. The Department of the Navy's policy is to use SUBPAY prescribed in reference (a) to attract and retain personnel in the submarine service on a career basis. All personnel meeting the eligibility requirements of paragraphs 4 or 5 are eligible for SUBPAY, either Continuous (CONSUBPAY) or Operational (OPSUBPAY). Submarine designated personnel are encouraged to maintain eligibility for CONSUBPAY.

4. Continuous Submarine Duty Incentive (CONSUBPAY). CONSUBPAY is designed to be paid to active duty naval service officers and enlisted personnel who engage in and remain in the submarine service on a career basis. Most submarine personnel are eligible for CONSUBPAY. Individuals receiving CONSUBPAY may not receive OPSUBPAY at the same time. Staff Corps officers are not authorized to receive CONSUBPAY. For the purposes of this instruction, "submarine" includes commissioned submarines, new construction submarines, submarines undergoing overhaul, conversion or decommissioning, off crews of two-crew submarines, auxiliary research submarines, deep submergence rescue vehicles, manned submersible research vehicles, and operational submarine detachments assigned to submarines or manned deep submergence vehicles.

a. Active duty officers are eligible for CONSUBPAY if they satisfy the following conditions:

- (1) Assigned a submarine-related duty designator:

TOSS upon completion of 18 years of submarine service for entitlement to CONSUBPAY up to the completion of the 26th year of military service (based on PEBD for enlisted and ACBD for officers). Individuals who have at least eight years (96 months), but less than ten years (120 months), of TOSS at the 18 YRGT will be eligible for CONSUBPAY up to the completion of the 22nd year of military service (based on PEBD for enlisted and ACBD for officers). The date (year and month) of the accumulation of 96 months and 120 months of TOSS represents the Eight Year TOSS Date (8 YRTD) and the Ten Year TOSS Date (10 YRTD) respectively (see enclosures (12) and (13) to calculate a TOSS Date).

(4) Gate Failure. Individuals who do not satisfy the gate requirements are no longer entitled to CONSUBPAY, but are eligible for OP-SUBPAY within the restrictions of paragraph 5. No waivers will be considered for insufficient TOSS that results in a gate failure. If an individual fails to satisfy the 12 YRGT, he cannot regain CONSUBPAY eligibility until the 18 YRGT, when his record is re-examined. If an individual fails to satisfy the 18 YRGT, he cannot regain CONSUBPAY eligibility.

d. Suspension from CONSUBPAY. Entitlement to CONSUBPAY is lost if any of the following occurs:

(1) Failure to satisfy the 12 or 18 YRGT criteria.

(2) Loss of submarine related duty designator:

(a) For officers, as applicable, loss of:

- Designator 1120, 1125, 1170, 1175, 1220, or 1225.

- Designator 62XX, 72XX, 64OX, 74OX, 641X, 741X, or loss of the enlisted submarine qualification designator.

(b) For enlisted personnel, loss of designator "1" or designator "2".

(3) Transfer for separation processing from active duty.

(4) Physical disqualification from submarine duty as discussed in paragraph 6.

(5) For URL officers, permanent failure to screen by a formal submarine screening board for assignment as an executive officer or commanding officer.

(6) For any officers declining to serve as either an executive officer or commanding officer or permanent removal of prior screening by a subsequent formal screening board due to performance.

(7) Disenrollment from initial training preliminary to assignment to a submarine.

(8) Assignment to duty outside the submarine service with the expectation that an individual will remain permanently outside the submarine service. (Examples: Assignment to Engineering Duty (ED) Officer School in preparation for lateral transfer to the ED community, or earning Second Class Diver Navy Enlisted Classification.)

(9) Upon formal approval by NMPC-42 of a commanding officer's recommendation that an officer is not suitable for assignment as a submarine department head. Should the officer be subsequently approved for assignment as a submarine department head, his CONSUBPAY eligibility will recommence effective the date of NMPC-42's formal approval.

(10) Transfer to any of the following Accounting Categories (ACC's):

(a) Deserter status - (ACC 109).

(b) For duty under instruction, 20 weeks or greater, leading to a commission - (ACC 343).

(c) Temporary duty pending separation, discharge, release, retirement - (ACC 380).

(d) Temporary duty pending separation, discharge, release, retirement - pay status-at home awaiting final disposition - (ACC 381).

(e) Temporary duty - disciplinary status (at other than correctional activity) - (ACC 390).

(f) Temporary duty - in confinement at a correctional activity - (ACC 391).

(g) Temporary duty - confined or held by civil authorities - (ACC 392).

(h) Temporary duty - home awaiting results of appellate review - (ACC 393).

(i) Temporary Active Reserve - (ACC 103).

(11) Approval of a request for transfer to the Fleet Reserve. Entitlement to CONSUBPAY is automatically terminated effective the date NMPC approves the request. Eligibility may be restored effective the date NMPC approves a request to withdraw a Fleet Reserve transfer request, provided all other eligibility criteria are satisfied; however, CONSUBPAY will not be restored for the intervening period. Entitlement to OPSUBPAY is not affected by requests for transfer to the Fleet Reserve. A member assigned to a submarine and approved for Fleet Reserve transfer is eligible for OPSUBPAY until transferred from the submarine.

(12) Enrollment in an officer or officer candidate program to include Naval Reserve Officer Training Corps, Officer Candidate School, Aviation Officer Candidate School, or any other enlisted commissioning program. Personnel selected for LDO or CWO will continue to draw enlisted submarine pay until commissioning provided eligible in all respects. Entry into the Naval Academy Preparatory School or Broadened Opportunity for Officer Selection and Training (BOOST) programs will not exclude the member from receipt of CONSUBPAY until actual entry into a commissioning program defined as the re-

porting date to the United States Naval Academy or university.

(13) Failure to incur 14 months obligated service beyond a non-submarine duty PRD for enlisted members. Obligated service will not be required for those individuals that will transfer to:

(a) Duty under instruction 20 weeks or greater (with no ultimate duty station assigned) - (ACC 342).

(b) Humanitarian assignment 6 months or less (must have been previously entitled to CONSUBPAY at last permanent duty station) - (ACC 354).

(c) Awaiting medical board review (must have been previously entitled to CONSUBPAY at the last permanent duty station) - (ACC 355).

(14) Any period of reported unauthorized absence.

e. Requests for PRD extensions from personnel receiving CONSUBPAY in non-submarine duty assignments will be approved only if the member's Expiration of Active Obligated Service (EAOS) provides at least 14 months of obligated service beyond the revised PRD. A PRD extension may be granted if additional obligated service is incurred by reenlistment or extension to provide the minimum obligated service of 14 months beyond the revised PRD.

5. Operational Submarine Duty Incentive Pay (OPSUBPAY). OPSUBPAY is payable to active duty naval service officers and enlisted personnel when assigned to and serving in a submarine when CONSUBPAY eligibility criteria, paragraph 4, are not met. Midshipmen are not authorized to receive OPSUBPAY. Personnel earn OPSUBPAY on a prorated, day-for-day basis for any period they are attached under orders to a submarine, whether temporarily or permanently. Personnel permanently assigned to a submarine continue OPSUBPAY entitlement while ordered TAD to other commands.

a. OPSUBPAY when assigned to a submarine command staff: OPSUBPAY is also payable on a month-to-month basis to individuals qualified in submarines while serving on submarine command staffs (enclosure (14)) provided that ride time requirements are satisfied. The term qualified in submarines is defined as those officer and enlisted personnel who have been designated qualified in submarines per the Naval Military Personnel Manual (NAVPERS 15560). For each month that ride time requirements are satisfied, the individual will receive one month of OPSUBPAY. If ride time requirements are not satisfied for a given period, an individual does not receive OPSUBPAY on a day-for-day basis. OPSUBPAY will be paid for a grace period only if the requirements of paragraph 5b are met. For individuals not qualified in submarines and who are serving on submarine command staffs, OPSUBPAY will be paid on a day-for-day basis.

To satisfy ride time requirements for a given period, an individual must have underway time as follows:

(a) During one calendar month: 48 hours

(b) If the requirement of paragraph 5a (1) (a) has not been met and an individual is eligible (paragraph 5b), a two month grace period goes into effect. The individual's underway ride time requirements will be considered to have been met for this two month period if he accrues a total of 96 hours of ride time during the two month period.

(c) If the requirements of paragraph 5a (1) (b) are not met and an individual is eligible (paragraph 5b), a three month grace period goes into effect. The individual's underway ride time requirements will be considered to have been met if he accrues a total of 144 hours of ride time during the three month period.

b. Grace Period. A grace period is defined as a special extension of the normal one month time frame that a member has to meet ride time requirements. This grace period is either two or crediting of pay and TOSS (if applicable) is as follows: three months long. The determination of

a grace period for the crediting of pay and TOSS (if applicable) is as follows:

(1) First Month. The first month in which an individual fails to meet underway ride time requirements marks the beginning of the initial grace period allowed for meeting underway ride time requirements. Succeeding grace periods begin according to paragraph 5b(4).

(2) Second and Third Month. If the individual rides enough hours in the second month to cover the first and second months, the grace period ends with the second month. If not, the grace period extends through the third month.

(3) Deficiencies for Fraction of a Month. If the individual fails to qualify for a fraction of a month because his submarine command staff duty began on an intermediate day of the month, the three month grace period ends on the last day of the second full month following the fractional month.

(4) When Next Grace Period Starts. A new grace period starts on the first day of the month in which underway ride time requirements are not met (month of failure). This is subject to the following limitations:

(a) If a month of failure immediately follows a grace period in which all underway ride time requirements were met (not merely for the last month), then a new grace period starts with the month of failure.

(b) However, if a month of failure immediately follows a grace period in which all underway ride time requirements were not met, then a month of failure does not start a new grace period. The individual must meet underway ride time requirements for at least 1 month after which a new grace period may start.

(c) After any month in which underway ride time requirements are met following a grace period, a new grace period starts with the next month of failure whether or not requirements were met for the most recent grace period.

(5) Failing to meet the Underway Ride

- A) Time Requirements for One Month With No Excess Ride Time Available.

- A) (a) Second Month. If an individual does not meet the underway ride time requirements during the first month of a grace period and in the second month he is underway at least 48 hours but less than 96 hours, the individual is entitled to OPSUBPAY for the second month only. For example: 0 hours underway in January; 70 hours underway in February. OPSUBPAY is due for February.

- A) (b) Third Month. If an individual does not meet the underway ride time requirements during the first 2 months of a grace period, the individual must be underway at least a total of 144 hours in the three month grace period to be entitled to OPSUBPAY for more than the third month. For example: 0 hours underway in January; 0 hours underway in February; 144 hours underway in March. OPSUBPAY is due for January, February, and March. Otherwise: 0 hours underway in January; 0 hours underway in February; 100 hours underway in March. OPSUBPAY is due for March only. Excess hours underway in March (52 hours) are carried forward in the bank and can be used to fulfill future requirements provided they are not more than five calendar months old. Second example: 47 hours underway in January; 47 hours underway in February; 49 hours underway in March. A total of 143 hours were earned. The grace period requirement of 144 hours was not met. OPSUBPAY is permanently lost for January and February. OPSUBPAY is paid for March. The 94 hours earned in January and February are included with the one hour of excess time earned in March and these hours are added to the bank. These hours may be used to meet subsequent monthly requirements.

- A) (c) First and Third Months. If an individual does not get underway during the first month and in the second month is underway only enough hours to qualify for the second month, the individual must be underway enough hours in the third month to total 144 hours to qualify for OPSUBPAY for the first and third months of the grace period. For example: 0

hours underway in January; 55 hours underway in February; 89 hours underway in March. OPSUBPAY is due for January, February, and March. Otherwise: 0 hours underway in January, 55 hours underway in February; 65 hours underway in March.

OPSUBPAY is due for February and March only. Excess hours from February (7 hours) and March (17 hours) are carried forward in the bank.

c. OPSUBPAY when assigned to special test and evaluation details: OPSUBPAY is payable on a day-to-day basis to individuals serving on special test and evaluation details whose duties require serving in a submarine. Special test and evaluation details include any active duty naval service officers or enlisted personnel assigned TAD to a submarine. TAD orders and their endorsements will be used to determine the number of days the individual is entitled to OPSUBPAY (see enclosure (5)).

d. Time counting toward ride time requirements.

(1) Only time underway on a submarine counts as ride time. Ride time is the number of underway hours and minutes taken from the ship's deck log and entered in enclosure (4). The hours and minutes entered in enclosure (4) are totaled at the end of each calendar month, rounded down to the last whole hour and entered in enclosure (7).

(2) While serving on a submarine command staff, hours served underway in excess of the requirements during any of the immediately preceding five calendar months and not already used to qualify for OPSUBPAY may be applied to satisfy ride time requirements for the current month or grace period. Hours in excess of requirements are defined as:

- Hours in excess of 48 for a monthly period.

- Hours in excess of 96 for a two month grace period.

- Hours in excess of 144 for a three month grace period.

- Hours earned in a failed grace period that are not used to meet a monthly requirement (paragraph 5b).

(3) The satisfaction of the submarine command staff periodic ride time (monthly or grace period) requirements is determined by, first, using underway hours achieved during the period in question. If, and only if, an individual fails to satisfy underway requirements using these hours, the inventory of excess hours available from the past five months is used to make up the difference needed. Any hours so used are considered expended and are not available for the satisfaction of any other period's requirements.

e. Personnel assigned to submarine command staffs will be responsible for the accurate accountability of their own underway time. A person will be assigned as coordinator and maintain all underway time records for his unit in a centralized location.

f. Enclosure (5) provides examples of OP-SUBPAY ride time accounting.

6. Physical Qualification for SUBPAY Entitlement. An individual's continued entitlement to SUBPAY is contingent upon remaining physically qualified for submarine duty. Submarine designated individuals who are placed in a Limited Duty (LIMDU) status will be considered qualified for submarine duty unless their LIMDU continues for a period of more than six months. The six month time frame is measured from the date received to ACC 105. CNO (OP-131) will be notified by message if a member is found fit for (R) full duty and submarine duty near the sixth month of LIMDU to ensure that pay is not stopped at the six month point. Eligibility for SUBPAY will be terminated after six months of LIMDU or effective the date that NMPC determines the disqualifying condition to be permanent, whichever is earlier. Individuals denied SUBPAY for medical reasons will not regain entitlement until the date they are determined fit for and/or reinstated to submarine duty by NMPC. SUBPAY and TOSS credit shall not be

authorized for any period during which an individual is medically disqualified for submarine duty regardless of subsequent reinstatement. However, the SSED may require adjustment (see enclosure (11)). For officers who have not completed a submarine command tour, continued entitlement to SUBPAY is contingent upon remaining physically qualified for submarine service. Officers who have completed a submarine command tour are required only to remain physically qualified for active duty naval service to remain eligible for payment of CONSUBPAY. Enlisted personnel need not execute an extension to continue receiving CONSUBPAY while in LIMDU; however, they must have been previously entitled to CONSUBPAY at the last permanent duty station they were assigned to immediately prior to the commencement of the LIMDU period. Commanding Officers or immediate reporting seniors are responsible for ensuring that SUBPAY is terminated for those individuals who become physically disqualified for submarine duty.

7. Action

a. The Chief of Naval Operations (OP-01) is responsible for development and administration of the Submarine Duty Incentive Pay Program. (A) Annually in October, the Chief of Naval Operations (OP-01) will review the eligibility of the commands listed in enclosure (14) to be classified as submarine command staffs. This review will also include determining the eligibility of other commands for listing as a submarine command staff.

b. Commanders of submarine command staffs and special test and evaluation details will comply with the procedural requirements of this instruction and will:

(1) Prepare an enclosure (13) for currently attached and all future reporting SUBPAY eligible personnel upon reporting. Enclosure (13) will also be used for career counseling of the member. This enclosure (13) will be certified and included in the member's service record upon transfer.

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(2) Submit to NMPC-42 (officers)/OP-131C (enlisted) a completed, up-to-date and certified enclosure (13) for each SUBPAY eligible individual upon transfer or as necessary to document their submarine career screening gates.

(3) Maintain enclosures (4) and (7) or enclosure (9) and TAD orders with endorsements as applicable for currently attached and all future reporting SUBPAY eligible personnel to document submarine duty and to provide accounting evidence for auditing purposes. All enclosures (4) and (7) or enclosure (9) and related documents will be retained and disposed per SECNAVINST 5212.5C, Part III, Chapter 7, SSIC 7220, paragraph 1. Certified copies of enclosure (7) or (9) will be included in the member's service record upon transfer. Enclosures (5), (6), and (8) provide information and examples for completing enclosures (7) and (9).

(4) Conduct an annual internal audit of staff OPSUBPAY procedures and records. These audit results will be retained for three years.

c. All commands administering SUBPAY will use enclosures (1) through (14) as applicable for SUBPAY management and assistance.

d. All commands finding individuals in their commands that have been overpaid SUBPAY will provide by letter to NMPC-42 (officers)/OP-131C (enlisted) the necessary information to support the overpayment claim. All commands are responsible for initiating overpayment recovery action with NMPC-42 (officers)/OP-131C (enlisted).

A) 8. Review. The entitlement portions of this instruction have been approved by the Department of Defense Military Pay and Allowance Committee under procedures prescribed by the Secretary of Defense in accordance with Title 37 U.S.C. 1001.

9. Report. Symbol OPNAV 7220-3 has been assigned to the report contained in paragraph 7b(2) and is approved for three years from the date of this instruction.

KENNETH P. BERGQUIST
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)

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